



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,552	07/10/2000	F. William Gregory JR.	20438-1	1103
572	7590	09/06/2006		
CLIFFORD A. POFF 9800B MCKNIGHT ROAD SUITE 115 PITTSBURGH, PA 15237			EXAMINER PORTER, RACHEL L	
			ART UNIT 3626	PAPER NUMBER

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

SEP 06 2006

GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/613,552
Filing Date: July 10, 2000
Appellant(s): GREGORY, F. WILLIAM

Clifford A. Poff, Reg. No. 24,764
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/15/06 appealing from the Office action mailed 3/30/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,191,522

BOSCO et al

3-1993

Tauhert, Christy. "Merger of the Century." Insurance & Technology, vol. 23, no. 9 (Sept. 1998) pp. 49-51

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 has been amended to recite "said one software performing functions of rating insurance coverage; rating of options;...treaty insurance function; non-treaty reinsurance function..." However, the current language does not provide any clarification or recite any steps in defining steps that are performed as the software/application executes these functions. As such, it is unclear to the Examiner

Art Unit: 3626

what functions/steps are performed as the application performs the listed functions (e.g. a premium acceptance decision block, a hold-print release decision block; a binder insurance decision block; treaty reinsurance function, non-treaty reinsurance). For the purpose of applying art, the Examiner will interpret the recited functions as follows and apply art accordingly: a system that processes reinsurance information; compiles billing information; gathers premium acceptance information; rates insurance coverage; provides binder/contract decision information; performs print functions; and rates liability information.

Claims 2-17 inherit the deficiencies of claim 1 through dependency, and are therefore also rejected.

Claim 18 recites similar limitations to claim 1 and therefore is rejected for the same reasons provided in the rejection of claim 1. Claims 19-34 inherit the deficiencies of claim 18 through dependency, and are therefore also rejected.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3626

4. Claims 1-3, 5-28, 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bosco et al (USPN 5,191,552-referred to hereinafter as Bosco) in view of Tauhert ("Merger of the Century").

[claim 1] Bosco teaches a system for rating, delivery and administration of insurance policies, said system including the combination of:

- a central processor including software essentially having one software application with control and processing programs to form policy processing data bases to handle multiple policy functions in the management of insurance policies; (Figures 10,12-13; col. 2, line 5-col. 3, line 45; col. 4, line 57-col. 6, line 19; col. 21, line 32-col. 22, line 7; col. 29, line 48-col. 31, line 11)
- a user enabled interface coupled to access a software application using control and processing programs to introduce data to build data files to build insurance policies using forms contained in the application, said one software application being operative to build a selected insurance policy from a selected one of said insurance policy data bases; and (Figure 13; col. 6, lines 58-65; col. 19, lines 58-col. 21, line 20; col. 23, lines 4-30)
- a readout for issuing said selected insurance policy and invoicing a policy premium therefor, said readout supplying administrative reports using said insurance policy databases. (Figure 11; col. 2, lines 5-25; col. 23, line 31-col. 24, line 50; col. 25, line 64-col. 26, line 46; col. 30, lines 32-59)

Claim 1 has been amended to recite that the one software application performs a plurality of functions including rating insurance coverage, rating of options, rating of

Art Unit: 3626

liability, premium acceptance, printing functions, provide binder/contract decisions; processes reinsurance functions and compiling billing files. Bosco discloses a system that processes reinsurance information (Figures 12; col. 26, lines 47-53); compiles billing information (col. 24, lines 62-col. 25, line 14); gathers premium acceptance information (col. 25, lines 33-42); rating insurance coverage (col. 23, lines 65-col. 24, line 2); provide binder/contract decision information (col. 24, lines 32-64); perform print functions (col. 24, lines 41-43); rating liability information (e.g. for the company) (col. 26, lines 39-46; lines 63-66).

While Bosco discloses a system for rating, delivery and administering insurance policies as cited, but the reference does not expressly disclose the system as applied to commercial lines insurance policies. Tauhert discloses an Internet-implemented system for issuing and administering commercial lines insurance policies (page. 49-50, paragraphs 5-6—e.g. answering customer questions, quoting and issuing policies.) At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system of Bosco with the teaching of Tauhert to rate, deliver and administer commercial lines insurance policies using the Bosco system. As suggested by Tauhert, one would have been motivated to include this modification to allow agents to have faster turnaround time servicing (commercial) customers and to allow agents and business customers to process insurance information with the least amount of manpower necessary. (Tauhert: page 50, par. 6)

Art Unit: 3626

[claim 2] Bosco teaches a system wherein said one software application is an application of the computational and data processing types using both arithmetic computations and data handling operations. (Figure 11, col. 21, line 32-col. 22, line 31; col. 23, lines 14-30)

[claim 3] Bosco teaches a system wherein said one software application includes display fields controlled by said control and processing programs for introducing policy rating, selecting forms, and insurance premium data to insurance policy processing data bases. (Figures 11-12; col. 2, lines 5-col. 3, line 45; col. 6, line 21-col. 19, line 30; col. 21, line 32-col. 22, line 7; col. 23, lines 18-30)

[claim 5] Bosco teaches a system wherein said readout further includes a computer terminal for accessing said one software application. (col. 22, line 57-col. 23, line 17)

[claim 6] Bosco teaches a system wherein said central processor further includes a claims software application sharing said policy processing data bases of said one software application for processing insurance claims arising out of insurance coverage provided from said one software application. (col. 23, lines 4-30; col. 25, line 64-col. 26, line 9)

[claim 7] Bosco teaches a system wherein said claims software application is an application of the computational and data processing types using both arithmetic computations and data handling operations. (Figure 11, col. 21, line 32-col. 22, line 31; col. 23, lines 4-30; col. 25, line 64-col. 26, line 9)

Art Unit: 3626

[claim 8] Bosco teaches a system wherein said central processor further includes a billing software application sharing insurance policy data bases of said one software application for issuing a selected policy and issuing a policy therefor by said readout. (Figure 11; col. 2, lines 5-25; col. 23, line 31-col. 25, line 54)

[claim 9] Bosco teaches a system wherein said readout includes a printer for printing a selected insurance policy and said invoicing a policy premium therefor. (col. 20, line 60-col. 21, line 20; col. 23, line 31-54; col. 24, line 24-col. 25, line 54)

[claim 10] Bosco teaches a system further including an administrative computer terminal connected to said central processor for management of insurance policy data supplied from said one software application. (col. 2, line 5-col. 3, line 45; col. 29, line 48-col. 30, line 6; col. 30, lines 32-60; col. 31, lines 3-11)

[claim 11] Bosco teaches a system wherein said administrative computer terminal includes a central processing unit for controlling said printer in response to a command received from said central processor. (col. 2, line 5-col. 3, line 45; col. 29, line 48-col. 30, line 6; col. 30, lines 32-60; col. 31, lines 3-11)

[claim 12] Bosco and Tauhert teach the system according to claim 1 as explained in the rejection of claim 1. Bosco further teaches a system said central processor further includes cash entry software application sharing said policy processing data bases of said one software application for processing cash received and cash returned arising out of insurance coverage provided from said one software application. (Figures 11; col. 26, lines 20-34; col. 27, lines 11-22; col. 28, lines 15-37)

[claim 13] Bosco teaches a system according to claim 12 wherein said cash entry software application is an application of the computational and data processing types using both arithmetic computations and data handling operations. (Figures 11; col. 21, line 32-col. 22 ,line 31; col. 23, lines 14-30; col. 26, lines 20-34; col. 27, lines 11-22; col. 28, lines 15-37)

[claim 14] Bosco and Tauhert teach the system according to claim 1 as explained in the rejection of claim 1. Bosco further teaches a system wherein said central processor further includes an administrative report software application sharing said policy processing data bases of said one software application for generating reports arising out of insurance coverage provided from said one software application (col. 23, line 31-col. 24, line 31; col. 25, line 64-col. 26, line 10; col. 26, line 31-54). Bosco does not expressly disclose that system reports are generated daily and monthly, but does teach that reports are generated at a pre-established frequency (col. 26, lines 41-46). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to further modify the system of Bosco in view of Tauhert to generate system reports daily and/or monthly. One would have motivated to vary the frequency of reports generation (i.e. to generate reports daily and monthly) so that the information is provided as needed, thereby minimizing additional inquiries regarding case data/status information. (col. 24, lines 17-31)

[claim 15] Bosco further teaches a system wherein said administrative report software application is an application of the computational and data processing types using both arithmetic computations and data handling operations. (Figure 11, col. 21, line 32-col.

Art Unit: 3626

22, line 31; col. 23, line 14-col. 24, line 31; col. 25, line 64-col. 26, line 10; col. 26, line 31-54)

[claim 16] See Bosco: col. 20, line 60-col. 21, line 5; col. 22, line 40-col. 23, line 3; col. 23, line 31-44; col. 24, line 44-col. 26, line 54; col. 27, lines 11-21; col. 28, lines 15-37; col. 30, lines 32-59)

[claim 17] Bosco further teaches a system wherein said central processor further includes a claims software application, a billing software application, a cash entry software application and administrative software report application each sharing said policy processing data bases of said one software application. (Figure 11; col. 2, line 5-col. 3, line 45; col. 23, line 31-col. 25, line 54; col. 26, lines 20-34; col. 27, lines 11-22; col. 28, lines 15-37; col. 29, line 48-col. 30, line 6; col. 30, lines 32-60; col. 31, lines 3-11)

[claim 18] Bosco teaches a method for issuing insurance, said method including the steps of:

- providing a central processor essentially with one software application including control and processing programs to manage multiple policy functions of insurance policies and to introduce data to build data files to build insurance policies using forms contained in the application,; (Figures 10,12-13; col. 2, line 5-col. 3, line 45; col. 4, line 57-col. 6, line 19; col. 21, line 32-col. 22, line 7; col. 29, line 48-col. 31, line 11)

Art Unit: 3626

- forming insurance policy data bases by accessing said one software application with a user enabled interface; (Figure 13; col. 6, lines 58-65; col. 19, lines 58-col. 21, line 20; col. 23, lines 4-30)
- using said one software application to build a selected insurance policy from a selected one of said insurance policy data bases; (Figure 13; col. 6, lines 58-65; col. 19, lines 58-col. 21, line 20; col. 23, lines 4-30)
- using said one software application for issuing the selected insurance policy and invoicing a policy premium therefor; and (Figure 11; col. 2, lines 5-25; col. 23, line 31-col. 24, line 50)
- using said one software application for supplying administrative reports using said insurance policy databases. (Figure 11; col. 2, lines 5-25; col. 23, line 31-col. 24, line 50; col. 25, line 64-col. 26, line 46; col. 30, lines 32-59)

Claim 18 has been amended to recite that the one software application performs a plurality of functions including rating insurance coverage, rating of options, rating of liability, premium acceptance, printing functions, provide binder/contract decisions; processes reinsurance functions and compiling billing files. Bosco discloses a system that processes reinsurance information (Figures 12; col. 26, lines 47-53); compiles billing information (col. 24, lines 62-col. 25, line 14); gathers premium acceptance information (col. 25, lines 33-42); rating insurance coverage (col. 23, lines 65-col. 24, line 2); provide binder/contract decision information (col. 24, lines 32-64); perform print functions (col. 24, lines 41-43); rating liability information (e.g. for the company) (col. 26, lines 39-46; lines 63-66).

While Bosco discloses a system for rating, delivery and administering insurance policies as cited, but the reference does not expressly disclose the system as applied to commercial lines insurance policies. Tauhert discloses an Internet-implemented system for issuing and administering commercial lines insurance policies (page. 49-50, paragraphs 5-6—e.g. answering customer questions, quoting and issuing policies.) At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system of Bosco with the teaching of Tauhert to rate, deliver and administer commercial lines insurance policies using the Bosco system. As suggested by Tauhert, one would have been motivated to include this modification to allow agents to have faster turnaround time servicing (commercial) customers and to allow agents and business customers to process insurance information with the least amount of manpower necessary. (Tauhert: page 50, par. 6)

[claim 19] Bosco further discloses a method according to claim 18 including the further step of processing insurance claims by using a claims software application sharing said policy processing data bases for processing claims against insurance coverage provided from said one software application. (col. 23, lines 4-30; col. 25, line 64-col. 26, line 9)

[claim 20] Bosco further discloses a method wherein said claims software application is an application of the computational and data processing types using both arithmetic computations and data handling operations. (Figure 11, col. 21, line 32-col. 22, line 31; col. 23, lines 4-30; col. 25, line 64-col. 26, line 9)

Art Unit: 3626

[claim 21] Bosco and Tauhert teach the method according to claim 18 as explained in the rejection of claim 18. Bosco further teaches a method including the further step of using an administrative report software application sharing said policy-processing databases to generate reports of insurance coverage provided from said one software application. (col. 23, line 31-col. 24, line 31; col. 25, line 64-col. 26, line 10; col. 26, line 31-54). Bosco does not expressly disclose that system reports are generated daily and monthly, but does teach that reports are generated at a pre-established frequency (col. 26, lines 41-46). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to further modify the method of Bosco in view of Tauhert to generate system reports daily and/or monthly. One would have motivated to vary the frequency of reports generation (i.e. to generate reports daily and monthly) so that the information is provided as needed, thereby minimizing additional inquiries regarding case data/status information. (col. 24, lines 17-31)

[claim 22] Bosco teaches a method wherein said administrative report software application is an application of the computational and data processing types using both arithmetic computations and data handling operations. (Figure 11, col. 21, line 32-col. 22, line 31; col. 23, line 14-col. 24, line 31; col. 25, line 64-col. 26, line 10; col. 26, line 31-54)

[claims 23-24] Bosco teaches a method including the further step of using a cash entry software application sharing said policy processing data bases for processing cash transactions arising out of insurance coverage provided from said one software application and wherein said cash entry software application is an application of the

Art Unit: 3626

computational and data processing types using both arithmetic computations and data handling operations. (Figures 11; col. 21, line 32-col. 22, line 31; col. 23, lines 14-30; col. 26, lines 20-34; col. 27, lines 11-22; col. 28, lines 15-37)

[claims 25-26] Bosco teaches a method including the further step of using a billing software application sharing said policy processing data bases for said step of issuing the selected insurance policy and invoicing the policy premium and wherein said billing software application is an application of the computational and data processing types using both arithmetic computations and data handling operations. (Figure 11; col. 2, lines 5-25; col. 23, line 31-col. 25, line 54)

[claim 27] Bosco teaches a method wherein said one software application is an application of the computational and data processing types using both arithmetic computations and data handling operations. (Figure 11, col. 21, line 32-col. 22, line 31; col. 23, lines 14-30)

[claim 28] Bosco and Tauhert teach the method of claim 18 as explained in the rejection of claim 18. Bosco further teaches a method wherein said one software application forms display fields controlled by said control and processing programs for introducing policy rating, selecting forms, and insurance premium data to insurance policy processing data bases. (Figures 11-12; col. 2, lines 5-col. 3, line 45; col. 6, line 21-col. 19, line 30; col. 21, line 32-col. 22, line 7; col. 23, lines 18-30)

[claim 30] Bosco further discloses a method wherein the step of issuing the selected insurance policy includes using a computer terminal for accessing said one software

Art Unit: 3626

application. (col. 22, line 40-col. 23, line 16; col. 23, line 31- col. 24, line 8; col. 29, line 48-col. 31, line 11)

[claim 31] Bosco further discloses a method wherein said step of issuing the selected insurance policy includes using a printer connected to said computer terminal for printing said selected insurance policy and said invoicing a policy premium. (Figure 11; col. 2, lines 5-25; col. 23, line 31-col. 24, line 50; col. 25, line 64-col. 26, line 46; col. 30, lines 32-59)

[claim 32] Bosco teaches a method including the further step of using an administrative computer terminal to supply said administrative reports for management of insurance policy data supplied from said one software application.

(Figure 11; col. 2, line 5-col. 3, line 45; col. 23, line 31-col. 24, line 50; col. 25, line 64-col. 26, line 46; col. 29, line 48-col. 31, line 11)

[claim 33] See Bosco: col. 20, line 60-col. 21, line 5; col. 22, line 40-col. 23, line 3; col. 23, line 31-44; col. 24, line 44-col. 26, line 54; col. 27, lines 11-21; col. 28, lines 15-37; col. 30, lines 32-59)

[claim 34] Bosco teaches a method wherein said central processor further includes a claims software application, a billing software application, a cash entry software application and administrative software report application each sharing said policy processing data bases of said one software application. (Figure 11; col. 2, line 5-col. 3, line 45; col. 23, line 31-col. 25, line 54; col. 26, lines 20-34; col. 27, lines 11-22; col. 28, lines 15-37; col. 29, line 48-col. 30, line 6; col. 30, lines 32-60; col. 31, lines 3-11)

5. Claims 4 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bosco and Tauhert as applied to claims 1 and 29 above, and further in view of Official Notice.

[claim 4] Bosco discloses a system for rating, delivery and administering insurance policies in general as explained in the rejection of claim 4, but does not expressly disclose the system as applied to commercial lines insurance policies. Bosco further does not disclose that the system operates over the Internet, but does teach the system operates over a secure network. (col. 23, lines 4-30) Tauhert discloses an Internet-implemented system (e.g. real-time) for issuing and administering commercial lines insurance policies (page. 49-50, paragraphs 5-6—e.g. answering customer questions, quoting and issuing policies.) At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system of Bosco with the teaching of Tauhert to administer commercial lines insurance policies over the Internet. As suggested by Tauhert, one would have been motivated to include this modification to allow agents to have faster turnaround time servicing (commercial) customers and to allow agents and business customers to process insurance information with the least amount of manpower necessary. (Tauhert: page 50, par. 6)

Bosco and Tauhert do not expressly disclose the use of a firewall to secure the system. However, Bosco does disclose the use of security codes (i.e. access codes) to limit access to authorized system users. (col. 23, lines 4-30) It is noted that the use of firewalls as a security feature to protect an organization's network from unauthorized use is old and well known in the art. At the time of the Applicant's invention, it would

Art Unit: 3626

have been obvious to one of ordinary skill in the art to further modify the system of Bosco and Tauhert in combination to include an Internet firewall for accessing the software application. As suggested by Bosco, one would have been motivated to include this feature to provide a system that operates efficiently while also implementing security measures that restrict the access of certain system users to particular data.

(col. 2, lines 39-44)

[claim 29] The limitations of claim 29 are addressed by the rejections of claims 4 and 18, and incorporated herein.

(10) Response to Arguments

(A) On pages 28-32 of the Appeal Brief, the Appellant argues the 112, 2nd paragraph rejection of claims 1 and 18. In particular the Appellant argues that functions of the software application require further no clarification.

In response, the 112, 2nd paragraph issues raised by the Examiner regarding claims 1 and 18 are specifically directed toward the following:

Exemplary claim 1 recites:

“said one software performing functions of...**a premium acceptance decision block; a hold-print release block; a binder insurance decision block; treaty insurance function; non-treaty reinsurance function...**” (emphasis added)

(Claim 18 contains the same language.)

The Examiner maintains that the current language does not provide any clarification regarding the defining steps that are performed as the software application executes these functions. For example, it is vague and indefinite what step or functions the software or user performs with a "treaty insurance function" or "non-treaty insurance function."

More importantly, reciting the software functions as a "block" or "decision block" also unclear. Such terminology might suggest a flowchart. However, it remains unclear if the claimed software is generating such a flowchart (i.e. generating a report); or executing code to take the step (e.g. accepting the premium, issuing the binder); or executing code to block/prevent these steps from being taken. (i.e. blocking the decisions)

As such, the Examiner submits that the language of claims 1 and 18 is vague and indefinite, and that the rejections of these claims under 35 U.S.C. 112, 2nd paragraph should be maintained.

(B) On page 32 of the Appeal Brief, the Appellant argues that the Examiner's reliance on the Tauhert reference is misplaced. In particular, on page 35, the Appellant argues that it would not have been obvious to modify Bosco with the teaching of Tauhert.

In response to Appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Bosco was relied upon to disclose integrated insurance system and method as claimed by the Appellant. (Figures 12-13) However, as acknowledged by the Examiner in the final rejection, the reference did not expressly disclose the system as applied to commercial lines insurance policies. The Tauhert reference was relied upon only to disclose an automated system for issuing and administering insurance policies, which were specifically commercial lines insurance policies (page. 49-50, paragraphs 5-6—e.g. answering customer questions, quoting and issuing policies.)

The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In the present case, the Examiner provided motivation to combine the two references directly from the secondary reference.

(C) Appellant argues that the Bosco reference that the does not disclose a single application performing the functions claimed by the appellant for managing commercial lines insurance policies. Appellant further asserts that Bosco's use of multiple programs "flies in the applicant's teaching of a one software application." (page 35)

In response it should be noted that the current language of claims 1 requires "software *essentially* having one software application..." Similarly, claim 18 requires "a centrally processor *essentially* with one software application..." Furthermore, according to the claim language and Appellant's arguments, the crux of the Appellant's invention is that "one software application includes a series of components," and performs a plurality of functions. ("Clearly the Applicant regards the One Software Application and not a multiplicity of applications for administering commercial lines insurance as his invention." Appeal Brief, page 30, lines 21-22)

However, in the "Summary of the Invention" on page 31 of the Appeal Brief, and page 7, lines 7-10 of the specification, the Appellant explains the following regarding the instant invention:

It is a further object of the present invention to provide one software application triggering all policy management functions including quoting, issuing, endorsing, canceling, reinstatement and auditing. **These functions are generated by separate programs typical of current design technique.**

Finally, the appellant's specification page 6, lines 4-13 discloses that the central processor includes multiple software applications, which are to practice the appellant's invention. Therefore, the appellant's own specification fails to provide a definition or clear guides one what is meant by having a single or one software application performing the functions of administering the insurance policies. Rather, the specification suggests the integration of several software programs rather than a single software application.

As such, it is unclear to the Examiner how the *Bosco* teaches away from the Appellant's claimed invention. *Bosco* discloses a single integrated system for the various processing and reporting functions associated with the management of insurance products(see also Figures 12-13).

Moreover, it is respectfully submitted that that the incorporation multiple components (e.g. software modules or systems) into a single software application package or central processor does not provide a distinction over the prior art, when the same functionality is performed. *In re Larson*, 144 USPQ 347, 349; 339 US 965 (CCPA 1965); *In re Wolfe*, 116 USPQ 443, 444; 251 F2d 854 (CCPA 1958)

(D) Appellant argues that *Bosco* teach a application, which includes forms and commercial lines insurance policies.

Again, in response to Appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). *Bosco* was relied upon to disclose integrated insurance system and method as claimed by the Appellant. (Figures 12-13) The *Tauhert* reference was relied upon only to disclose an automated system for issuing and administering insurance policies, which were specifically commercial lines insurance policies (page. 49-50, paragraphs 5-6—e.g. answering customer questions, quoting and issuing policies.)

Art Unit: 3626

Furthermore, in Figures 11-13, Bosco discloses a plurality of function and programs include certificate issuance (77), claims interface (106), reporting modules (88, 92, 87) and proposals (74). The Examiner interprets these as addressing the claimed forms, controls (e.g. interfaces), and insurance policies (e.g. certificates, (77)).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Rachel L. Porter *RP*

John W. Hayes
JOHN W. HAYES
SUPERVISORY PATENT EXAMINER

Conferees:

Joseph Thomas, SPE 3626 *Mr. for*

Sam Sough, Appeals Conference Specialist *SC*